

REMARKS

Applicant respectfully requests reconsideration of this application.

As a preliminary matter, in the Office Action mailed July 19, 2005, the Examiner did not indicate that PCT application 0 022 534 that was listed under Foreign Patent Documents on the PTO-1449 form mailed October 30, 2001 was considered and made of record by initialing the corresponding box on the PTO-1449 form. The Examiner also did not indicate that this reference was not in conformance with MPEP 609. As such, applicant respectfully request that the Examiner indicate that this reference has been considered and made of record.

Office Action Rejections Summary

Claims 1, 2, 4, 7, 9, 10, 12, 15, 17, 18, 20, 23, 25, 26, 28-32, 39, and 40 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,832,341 of Vijayan ("Vijayan").

Claims 8, 16, 24, and 33-38 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,832,341 of Vijayan in view of U.S. Patent No. 5,619,656 of Graf ("Graf").

Status of Claims

Claims 1, 2, 4, 7-10, 12, 15-18, 20, 23-26 and 28-40 are pending in the application. No claims have been amended. No claims have been added. No new matter has been added. No claims have been canceled.

Claim Rejections

Claims 1, 2, 4, 7, 9, 10, 12, 15, 17, 18, 20, 23, 25, 26, 28-32, 39, and 40 have been rejected under 35 U.S.C. §102(e) as being anticipated by Vijayan. It is submitted that the claims are patentable over the cited reference.

The Office Action states:

As per claims 1, 9, 17, and 25, Vijayan teaches a method, comprising:

enabling a standard notification rule to generate a first notification upon an occurrence of a predetermined event to a first person in a hierarchy; and (Vijayan, column 5, lines 14-44, specifically the default FMP alert)

enabling an advanced notification rule to preempt the standard notification rule upon the occurrence (Vijayan, column 5, lines 55-59, specifically the FDAT defined FMP alert with escalations.

(Office Action, 7/19/05, p. 3)(emphasis)

Applicant respectfully disagrees with the Office Action's assertions and characterizations of Vijayan. As discussed in an interview with the Examiner and the Examiner's Supervisor on December 21, 2005, Vijayan does not disclose enabling an advanced notification rule to preempt a standard notification rule as purported by the Office Action. At the passage cited to by the Office Action, Vijayan discloses:

Once the timer is reached, the status is changed back to OPEN and escalation continues.

FDAT 410 allows the administrator to define host groups, hosts within hostgroups, add events, FMPS, and pager groups as well as other information. This tool is also used to configure alerts for (event, host, FMP) triplets. FTAT 412 is the ticket management system that allows the administrator to acknowledge, close, and list open tickets. (Vijayan column 5, lines 55-59)

As can clearly be seen by the above reproduced passage, Vijayan does not disclose any preemption of a standard notification rule. Rather, Vijayan merely discloses an escalation of an alert. That is, if an alert is not acknowledged it gets escalated based upon an escalation policy. More specifically, Vijayan discloses that the escalation policy defines

cool off periods, parties to notify, and response periods before notifying the next party in the notification list. (Vijayan, col. 6, lines 1-5). However, such an escalation policy (e.g., of notifying a next party) does **not** operate to **preempt the rule** under which an original notification, or alert, will be sent out (e.g., in step 426 of Vijayan).

Applicant's undersigned representative respectfully disagrees with a statement made in the Examiner's interview summary. Applicant's undersigned representative did not assert that the claims describe enabling an advanced notification rule to preempt a standard notification rule "after rules cause a trigger to occur." It is submitted that there is not such limitation recited by claim 1.

In contrast to Vijayan, claim 1 includes the limitation of "enabling an advanced notification rule to preempt the standard notification rule upon the occurrence." Nothing in Vijayan discloses that **the rule** under which its alerts are generated can be **preempted**. Therefore, claim 1 is patentable over Vijayan.

Given that claims 2, 4, 7-8 depend from claim 1, it is submitted that claims 2, 4, 7-8 are also patentable over the cited reference.

For reasons similar to those given above in regards to claim 1, it is submitted that claims 9, 10, 12, 15, 17, 18, 20, 23, 25, 26, 28-32, 39, and 40 are also patentable over the cited reference.

Claims 8, 16, 24, and 33-38 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Vijayan in view of Graf. It is submitted that Graf fails to cure the deficiencies noted above with respect to Vijayan and, therefore, claims 8, 16, 24, and 33-38 are patentable over Vijayan in view of Graf.

In conclusion, applicant respectfully submits that in view of the arguments set forth herein, the applicable rejections have been overcome.

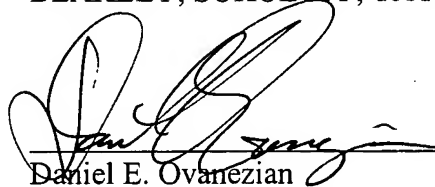
If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

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Dated: 1/12, 2006


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